

**WAUKESHA COUNTY BOARD OF ADJUSTMENT
SUMMARY OF MEETING**

The following is a Summary of the Board of Adjustment Meeting held on Wednesday, April 13, 2005, at 6:30 p.m. in Room 255/259 of the Waukesha County Administration Center, 1320 Pewaukee Road, Waukesha County Wisconsin, 53188.

BOARD MEMBERS PRESENT: James Ward, Chairman
Robert Bartholomew
Paul Schultz
Walter Tarmann
Ray Dwyer

BOARD MEMBERS ABSENT: Walter Schmidt

SECRETARY TO THE BOARD: Sheri Mount

OTHERS PRESENT: Town of Merton Board of Adjustment

Charlie Jones, BA05:017, petitioner
R & K Wambold, BA05:010, neighbors
Julie & Paul Payne, BA05:013, petitioners
Art Sabend, BA03:074, petitioner
Lawrence Babb, BA05:013, petitioner
Bill Minett, BA05:018, petitioner
Bill Groskopf, BA05:004, petitioner
Matt Heaton, BA05:004, petitioner
Theresa & Jim Remondino, BA04: 101, petitioners
Bob Sokolowicz
Irving R. Hennings Jr.
Marylin Hennings
Jim & Kathy Hazzard

The following is a record of the motions and decisions made by the Board of Adjustment. Detailed minutes of these proceedings are not produced, however, a taped record of the meeting is kept on file in the office of the Waukesha County Department of Parks and Land Use, and a taped copy or transcript is available, at cost, upon request.

SUMMARIES OF PREVIOUS MEETINGS:

Mr. Ray Dwyer *I make a motion to approve the Summary of the Meeting of March 9, 2005.*

The motion was seconded by Mr. Robert Bartholomew and carried unanimously.

NEW BUSINESS:

**BA05:010 AL AND CINDY GAGLIANO – OWNERS/J.G. Samuels, Inc. - Petitioner
(Held in abeyance from March 9, 2005)**

Mr. James Ward *I make a motion to adjourn the hearing until the meeting of April 27, 2005, in order to provide the petitioner the opportunity to redesign his proposed residence to bring it more into conformance with the Ordinance requirements, with the understanding that if the petitioner needs to adjourn this case again, the petitioner must notify Mr. Wambold with sufficient notice.*

The motion was seconded by Mr. Walter Tarmann and carried unanimously.

BA05:013 PAUL AND JULIE PAYNE - OWNERS/Lawrence Babb - Petitioner

Mr. Ray Dwyer *I make a motion to deny this request in accordance with the staff's recommendation, as stated in the Staff Report, for the reasons set forth in the Staff Report with the additional comment that a more reasonable footprint is available for construction of a new home.*

The motion was seconded by Mr. Walter Tarmann and carried unanimously.

The staff's recommendation was for **denial** for the following reasons.

It has not been demonstrated, as required for a variance, that denial of the requested variances would result in an unnecessary hardship. A hardship has been defined by the Wisconsin Supreme Court as a situation where compliance with the strict letter of the restrictions governing area, setbacks, frontage, height, bulk or density would unreasonably prevent the owner from using the property for a permitted purpose or would render conformity with such restrictions unnecessarily burdensome. It is possible to continue utilizing the structure and property "as is", or to construct a new residence with attached garage in a more conforming location and to a more conforming size than currently proposed, especially when considering the amount the property owners propose to spend on the remodel and addition. While the property does have physical limitations due to the fact that it has lake frontage on two sides and a sewer easement in the central portion of the property, there is a reasonable building envelope available for a new residence and attached garage that would result in an approximate 15-20 ft. average shore and floodplain setback, be located outside of the existing sewer easement, and conform, or at least would be more conforming than the proposed structures, to the offset, total floor area ratio and open space requirements. This available building envelope would provide for a reasonable use of this property. This building envelope, therefore, would be in conformance with the purpose and intent of the Ordinance, especially since it would provide for a more conforming shore and floodplain setback.

It also has not been demonstrated, as required for a special exception, that denial of the requested special exception for the 624 sq. ft. detached garage would result in the owners not having reasonable use of the property. A special exception differs from a variance in that a special exception does not necessarily require the demonstration of an unnecessary hardship. However, when granting special exceptions, the Board must still consider whether there are unique physical conditions existing on the property, which are not self-created, and which prevent compliance with the Ordinance, thereby causing hardship and/or no reasonable use and whether the proposed special exception would be hazardous, harmful, noxious, offensive or a nuisance to the surrounding neighborhood by reason of physical, social or economic effects, and the Board may impose such restrictions or conditions as they deem necessary for the protection of adjacent properties and the public interest and welfare. Also, as noted previously, the owners could continue to utilize the property "as is", or it is possible to construct a more reasonably sized new residence with attached garage in a more conforming location and a more conforming size than proposed.

Further, the structure is already substantially non-conforming in relation to the offset, shore setback and floodplain setback requirements of the Ordinance. The granting of the requested variances to expand and prolong the life of a structure 5 ft. from the floodplain and 6 ft. from the shore would be detrimental to the public interest and would negatively impact the natural resources in the area.

A new or alternative proposal would likely require the request of variances, in which case, another public hearing before the Waukesha County Board of Adjustment would be required, but as mentioned above, could be given a more favorable review than the present proposal.

BA05:014 DH W343 N5253 GIETZEN LLC – OWNER/Dennis and Torri Becker-Petitioner

Mr. Walter Tarmann

I make a motion to approve this request in accordance with the staff's recommendation, as stated in the Staff Report, for the reasons and conditions set forth in the Staff Report with Conditions No. 1, 3, 7 and 12 modified to read as follows:

"The proposed residence must be reduced in size so that the total footprint, including the first floor, any covered decks, covered patios, and/or covered porches, and the attached garage does not exceed 1,260 sq. ft. This will result in 3,900 sq. ft. of open space on the property."

"The proposed residence must have a first floor of at least 850 sq. ft. and an attached garage of at least 400 sq. ft."

"The residence, attached garage and any decks or patios on the first and second floors must be a minimum of 39.5 from the 100-year floodplain elevation or the Ordinary High Water Mark of Tearney Lake, whichever is more restrictive, with overhangs not to exceed two feet. Any deck(s) or patio(s) on the basement level must be a minimum of

33.5 ft. from the 100-year floodplain elevation or the Ordinary High Water Mark of Tearney Lake, whichever is more restrictive.”

“In order to ensure the construction of a new residence and attached garage does not result in adverse drainage onto adjacent properties, a detailed grading and drainage plan, showing existing and proposed grades and any approved retaining walls, must be prepared by a registered landscape architect, surveyor, or engineer and submitted to the Planning and Zoning Division staff for review and approval, prior to the issuance of a Zoning Permit. The intent is that the property be graded according to the approved plan, and also to provide that the drainage remain on the property or drain to the lake, and not to the neighboring properties or the road. The following information must also be submitted along with the grading and drainage plan: a timetable for completion, the source and type of fill, a complete vegetative plan including seeding mixtures and amount of topsoil and mulch, an erosion and sediment control plan, and the impact of any grading on stormwater and drainage. This grading plan may be combined with the Plat of Survey required in Condition No. 10.”

The motion was seconded by Mr. Ray Dwyer and carried unanimously.

The staff’s recommendation was for **approval** of variances from the road setback, floor area ratio, and open space requirements, and **denial** of variances from the shore and floodplain setback requirements, with the following conditions:

1. The proposed residence must be reduced in size so that the total footprint, including the first floor, any covered decks, covered patios, and/or covered porches, and the attached garage does not exceed 1,250 sq. ft. This will result in 3,910 sq. ft. of open space on the property.
2. The proposed residence must be reduced in size so that the total floor area, including the first and second floors (not including the basement level), any covered decks, covered patios, and/or covered porches, and the attached garage do not exceed 1,800 sq. ft. This will result in a floor area ratio of approximately 35%.
3. The proposed residence must have a first floor of 850 sq. ft. and an attached garage of at least 400 sq. ft.
4. Any proposed storage area over the attached garage must be included in the floor area calculations, unless it is accessible **only** via pull-down stairs from the garage and cannot be accessed from the upper level of the residence. If the house plans indicate that any storage area over the attached garage could be easily converted to living area with a direct connection to the upper level of the residence, a Declaration of Restrictions, stating that area cannot be converted to living area without the approval of the Waukesha County Board of Adjustment or its successor, must be recorded in the Waukesha County Register of Deed’s office, prior to the issuance of a Zoning Permit.

5. The proposed residence must not exceed three stories (including any exposed basement level), as viewed from the lake. The proposed residence and attached garage must conform with the height requirement of the Ordinance, i.e. the height, as measured from the lowest point of the exposed structure to the highest point of the primary horizontal soffit of the uppermost floor, must not exceed 35 ft.
6. The residence must be at least 10 ft. from the side lot lines, as measured to the outer edges of the walls and any windows/bump outs that extend further out from the structure than the walls, with overhangs not to exceed two (2) ft. in width. Any sidewalks, stairs, or walkways along the sides of the residence must be located at least three (3) ft. from the side lot lines.
7. The residence, attached garage and any decks or patios must be a minimum of 39.5 ft. from the 100-year floodplain elevation or the Ordinary High Water Mark of Tearney Lake, whichever is more restrictive, with overhangs not to exceed two (2) ft. in width.
8. The residence and attached garage must be at least 14 ft. from the roadside property line, with an overhang not to exceed two (2) ft. in width.
9. Prior to the issuance of a Zoning Permit, a complete set of house plans, in conformance with the above conditions, must be submitted to the Planning and Zoning Division staff for review and approval.
10. Prior to the issuance of a Zoning Permit, a stake-out survey showing the location of the proposed residence, attached garage, any proposed deck or patio, as well as any proposed sidewalks, stairs, walkways, and/or retaining walls, in conformance with the above conditions, must be prepared by a registered land surveyor and submitted to the Planning and Zoning Division staff for review and approval. This survey must also show the location of the 100-year floodplain elevation on the property.
11. No retaining walls will be permitted within 75 ft. of the lake, unless the Planning and Zoning Division staff determines that they are necessary for erosion and sediment control. No retaining walls will be permitted within 5 ft. of the side lot lines, without approval from the Town of Oconomowoc Plan Commission and the Waukesha County Park and Planning Commission.
12. In order to ensure the construction of a new residence and attached garage does not result in adverse drainage onto adjacent properties, a detailed grading and drainage plan, showing existing and proposed grades and any proposed retaining walls, must be prepared by a registered landscape architect, surveyor, or engineer and submitted to the Planning and Zoning Division staff for review and approval, prior to the issuance of a Zoning Permit. The intent is that the property be graded according to the approved plan, and also to provide that the drainage remain on the property or drain to the lake, and not to the neighboring properties or the road. The following information must also be submitted along with the grading and drainage plan: a timetable for completion, the source and type of fill, a complete vegetative plan including seeding mixtures and amount of topsoil and mulch, an erosion and sediment control plan, and the impact of any grading on stormwater and drainage. This grading plan may be combined with the Plat of Survey required in Condition No. 10.
13. Prior to the issuance of a Zoning Permit, the Environmental Health Division must certify that the

existing septic system is adequate for the proposed construction, or a sanitary permit for a new waste disposal system must be issued and a copy furnished to the Planning and Zoning Division staff.

The reasons for the recommendation, as stated in the Staff Report, are as follows:

The approval of this request, with the recommended conditions, will allow a reasonable use of the property that is not unnecessarily burdensome and is in scaled with the lot's very small size. It has not been demonstrated, as required for a variance, that denial of the requested variances from the shore and floodplain setback requirements would result in an unnecessary hardship. A hardship has been defined by the Wisconsin Supreme Court as a situation where compliance with the strict letter of the restrictions governing area, setbacks, frontage, height, bulk or density would unreasonably prevent the owner from using the property for a permitted purpose or would render conformity with such restrictions unnecessarily burdensome. It is possible to construct a reasonably sized residence and attached garage that remains the required 39.5 ft. from the shore and the floodplain. While there are steep slopes on the property, this is not a unique situation to this property. All of the properties in the immediate area on the same side of Gietzen Dr. contain the same topography as this lot. More importantly, it is possible to redesign the home and build in a location that would be conforming to the shore and floodplain setback requirements, as has been demonstrated on the immediately adjacent properties on both sides.

However, a hardship does exist due to the total size of the lot. Without the granting of a road setback variance, it would be impossible to provide for the minimum district floor area ratio requirement, while still allowing for a reasonably sized residence and attached garage on the property. Further, a road setback variance, as recommended, will not interfere with the public's use of the road or be a safety hazard. It will result in a residence with an attached garage located 14 ft. from the edge of the right-of-way, which will provide enough area for safe ingress and egress from the garage. Conformance with the maximum permitted floor area ratio of 15% would permit a total floor area of only 774 sq. ft., which is not reasonable. In addition, this square footage would not meet the minimum district requirements. Conformance with the open space requirement of 10,000 sq. ft. is impossible because the lot area is only 5,160 sq. ft. Therefore, some relief from the road setback, floor area ratio and open space requirements must be provided. Variances, however, should be granted only to provide the minimum relief necessary for a reasonable use of the property. It is felt by the Waukesha County staff, that the proposed residence, attached garage and deck are too large for the lot and a smaller residence and attached garage, as recommended, would still provide for a reasonable use of the property. As recommended, a total floor area of 1,800 sq. ft. (not including the basement square footage) provides a reasonable use of the property, is not unnecessarily burdensome and will permit the construction of a residence and attached garage that will be appropriately sized for the lot, and not detrimental to the surrounding neighborhood or contrary to the public interest. Therefore, the approval of this request, with the recommended conditions, is in conformance with the purpose and intent of the Ordinance.

BA05:017 CHARLIE JONES

Mr. Robert Bartholomew

I make a motion to approve this request in accordance with the staff's recommendation, as stated in the Staff Report, for the reasons and conditions set forth in the Staff Report.

The motion was seconded by Mr. Paul Schultz and carried unanimously.

The staff's recommendation was for **approval**, with the following conditions:

1. The addition must conform with the height requirements of the Ordinance, i.e. the maximum height of the residence, as measured from the lowest exposure of the structure to the highest point of the primary horizontal soffit of the uppermost floor of the addition, must not exceed 35 ft.
2. Prior to the issuance of a Zoning Permit, the Environmental Health Division must certify that the existing septic system is adequate for the proposed construction, or a Sanitary Permit for a new waste disposal system must be issued and a copy furnished to the Planning and Zoning Division Staff.
3. Prior to the issuance of a Zoning Permit, a complete set of house plans, in conformance with the above conditions, must be submitted to the Planning and Zoning Division staff for review and approval.

The reasons for the recommendation, as stated in the Staff Report, are as follows:

Approval of the requested special exception, with the recommended conditions, allows the petitioner reasonable use of the property and is in conformance with the purpose and intent of the Ordinance. The existing residence is non-conforming to the road setback. However, the addition will be on the back of the structure, away from the road. In addition, approval of the requested special exception, allows the structure to become conforming to the minimum square footage for a principal structure in this district. However, it still will not meet the District minimum of 900 sq. ft. on the first floor. There will be no expansion of the existing footprint. The recommended residence will not be any closer to the road or any property lines. Approval of the requested special exception, with the recommended conditions, would not adversely affect the neighboring property owners and is not contrary to the public interest. Therefore, the proposal as conditioned is in conformance with the purpose and intent of the Ordinance.

BA05:018 WILLIAM MINETT

Mr. Walter Tarmann

I make a motion to approve this request in accordance with the staff's recommendation, as stated in the Staff Report, for the reasons and conditions set forth in the Staff Report, with the following additional condition:

"Prior to issuance of a Zoning Permit, a restoration plan addressing the required removal of the non-conforming deck along the shoreline and two non-conforming sheds and restoration of the impacted areas shall be submitted to the Planning & Zoning

Division staff for review and approval. The restoration plan shall address any proposed grading, shall include a complete vegetative plan including seeding mixtures/plantings, amount of topsoil and mulch (if applicable), and an erosion and sediment control plan."

The motion was seconded by Mr. Robert Bartholomew and carried unanimously.

The staff's recommendation was for **denial** of the request for a special exception from the maximum of two accessory buildings requirement, **approval** of the request for variances from the road setback, floor area ratio, open space and offset between a principal residence and an accessory building requirements and **approval** of the request for a special exception from the accessory building floor area ratio approval, with the following conditions:

1. The two existing detached sheds must be removed prior to the issuance of the Zoning Permit for the proposed garage.
2. The existing detached deck along the shoreline must be removed prior to the issuance of the Zoning Permit for the proposed garage.
3. The total accessory building floor area on the property must not exceed a total of 400 sq. ft. This will provide an accessory building floor area ratio of 3.7 %.
4. The garage must be located a minimum of 4.7 ft. from the established right-of-way and 11.5 ft. from the lot lines, as proposed.
5. The garage must contain only one story and it must conform with the height requirements of the Ordinance, i.e. the maximum height of the garage, as measured from the lowest point of the structure to the highest point of the primary horizontal soffit of the uppermost floor, must not exceed 15 ft.; however, the maximum height of the garage may be increased by no more than ten (10) ft., providing all required offset and setbacks are increased by one (1) foot for each foot in which the garage exceeds the height limit of 15 ft. The proposed garage may contain an upper-level storage area only if the garage conforms to the height requirement noted above, and only if that upper level is not accessible via a permanent staircase. The upper level of the garage may only be accessed via pull-down stairs.
6. A firewall sufficient to meet the one-hour fire rating contained in the Building Code shall be placed on the side of the detached garage facing the residence and on the side of the residence facing the detached garage.
7. Prior to the issuance of a Zoning Permit, a complete set of building plans, in conformance with the above conditions, must be submitted to the Planning and Zoning Division staff for review and approval.
8. Prior to the issuance of a Zoning Permit, a stake-out survey showing the location of the proposed garage, in conformance with the above conditions, must be prepared by a registered land

surveyor and submitted to the Planning and Zoning Division staff for review and approval. This survey must also show that the sheds and deck have been removed from the property.

9. Prior to the issuance of a Zoning Permit, the Environmental Health Division must certify that the existing septic system is adequate for the proposed construction, or a Sanitary Permit for a new waste disposal system must be issued and a copy furnished to the Planning and Zoning Division staff.

The reasons for the recommendation, as stated in the Staff Report, are as follows:

The approval of the request to construct a detached garage, with the recommended conditions, will allow a reasonable use of the property that is not unnecessarily burdensome. A hardship exists due to the total size of the lot and location of the existing residence. There is currently only 26 ft. between the existing residence and the right-of way. Without the granting of a road setback variance and a variance from the required separation distance between accessory and principal structures, it would be impossible to provide for a reasonably sized garage on the property. Further, a road setback variance, as recommended, will not interfere with the public's use of the road or be a safety hazard. Conformance with the maximum permitted floor area ratio of 15% is impossible because the existing residence already exceeds the maximum permitted floor area ratio for this zoning district. However, the home is otherwise a substantially conforming structure. The removal of the two non-conforming sheds would then result in a new total floor area ratio of 20.3%. Conformance with the open space requirement of 10,000 sq. ft. is impossible because the lot area is only 10,802 sq. ft. Therefore, some relief from the open space requirement must be provided. The removal of the two non-conforming sheds along with construction of the detached garage would then result in 9,508 sq. ft. of open space on the property. Variances should be granted only to provide the minimum relief necessary for a reasonable use of the property. It is felt by the Waukesha County Staff, that construction of the garage, but removal of the two non-conforming sheds and deck would provide for a reasonable use of the property and result in the removal of three extremely non-conforming structures on the property. As recommended, a total floor area of 2,188 sq. ft. (not including the basement square footage) provides a reasonable use of the property, is not unnecessarily burdensome and will permit the construction of a detached garage that will be appropriately sized for the lot, not detrimental to the surrounding neighborhood or contrary to the public interest. Therefore, the approval of this request, with the recommended conditions, is in conformance with the purpose and intent of the Ordinance.

OTHER ITEMS REQUIRING BOARD ACTION:

BA03:074 LAWRENCE REDLIN/Petitioner Arthur Sabend

Mr. Paul Schultz

I make a motion to approve this request in accordance with the staff's recommendation, as stated in the Staff's memo, for the reasons and conditions set forth in the memo.

The motion was seconded by Mr. Robert Bartholomew and carried unanimously.

The staff's recommendation, as stated in the Memorandum of April 13, 2005, was for approval of the request to amend Condition #1 of the August 13, 2003 approval to read:

The proposed residence must include a residence and attached garage. The maximum square footage of all structures on the lot shall not exceed 2,100 sq. ft. (27%). The attached garage must not be less than 240 sq. ft. in size.

The reasons for the recommendation are as follows:

On August 13, 2003, the Board of Adjustment heard a request from Mr. Redlin for variances from road setback, shore and floodplain setback, floor area ratio, open space and lateral expansion of a structure within the Existing Floodplain Development Overlay District requirements of the Waukesha County Shoreland and Floodland Protection Ordinance in order to construct a new single family residence and attached garage. These requests were approved pursuant to several conditions. Mr. Art Sabend recently purchased the above referenced property from Lawrence Redlin. It currently contains a single-family residence with two detached structures. One the conditions of approval was that the maximum square footage of all structures on the lot could not exceed 2,100 sq. ft. and the attached garage be no less than 490 sq. ft. The Decision Sheet is attached as Exhibit "A".

The property is located in the EFO Existing Floodplain Overlay District under the Town of Mukwonago Zoning Ordinance and the EFD under the jurisdiction of the Waukesha County Shoreland and Protection Ordinance, which is designated on lots that are totally within the 100-year floodplain and contain existing improvements. Under the provisions of both Ordinances, the structures may be reconstructed or rebuilt only if they meet the requirements of the R-3 Residential District. For larger footprints than previously existed or lots where the previous floor area ratio exceeded the R-3 residential requirements, reconstruction or enlargement, may not exceed the floor area ratio requirements set forth in the R-3 Residential District.

On October 15, 2003, the Town of Mukwonago Board of Adjustment denied the variance request. The Town of Mukwonago's R-3 zoning district has been rewritten in recent years to allow for special exceptions by the Plan Commission on substandard legal lots of record where all dimensional requirements cannot be met and allow the Plan Commission to only authorize a no more than 1,140 square foot footprint to accommodate a 900 square foot first floor and a 240 square foot garage.

BA04:101 JAMES AND TERESA REMONDINO

Mr. Paul Schultz

I make a motion to approve this request in accordance with the staff's recommendation, as stated in the Staff's memo, for the reasons and conditions set forth in the memo.

The motion was seconded by Mr. Ray Dwyer and carried unanimously.

The staff's recommendation, as stated in the Memorandum of April 13, 2005 was that the approval of January 26, 2005, be amended to permit the residence to be removed down to the foundation and rebuilt to the size previously authorized with the following condition:

1. The south wall of the residence cannot extend any closer to the side lot line than the previously existing south wall of the residence and the overhang on the south side of the residence cannot exceed 2 ft. in width.

The reasons for the recommendation, as stated in the Staff memo, are as follows:

The residence is not severely non-conforming. It is between 8.4 ft. and 9.4 ft. from the side lot line and 22 ft. from the road right-of-way and it has a conforming shore setback of approximately 90 ft. Due to the lot size and configuration and the topography, it would be difficult to locate a new residence in a more conforming location. Removing the residence to the foundation and rebuilding it will have the same end result as was previously approved. Therefore the staff believes that even if we had been aware that the residence would be removed to the foundation and rebuilt, rather than just remodeled and expanded, we would not have recommended that it be relocated to a more conforming location.

BA05:004 RONALD AND MARIETTA MARSHALL

Mr. Walter Tarmann *I make a motion to approve this request in accordance with the staff's recommendation, as stated in the Staff's memo, for the reasons and conditions set forth in the Staff's memo.*

The motion was seconded by Mr. Ray Dwyer and carried unanimously.

The staff's recommendation, as stated in the Memorandum of April 13, 2005 was that the approval of February 9, 2005, be amended to permit the to allow remodeling and expansion of the existing single family residence with the following amendment to Condition #1:

1. The proposed expanded residence must meet all offset and setback requirements as measured to the outer edges of the walls, provided the overhangs do not exceed two (2) ft. in width. If the overhangs exceed two (2) ft. in width, the building must be located so that the outer edges of the overhangs conform to the offset/setback requirements.

The reasons for the recommendation, as stated in the Staff memo, are as follows:

Their first proposal showed a proposed "bump-out" on the northeast side of the residence that did not conform to the offset requirement. However, the petitioners are now requesting an amendment to the first condition as they have redesigned the small "bump-out" to conform to the offset requirement. They have also submitted documentation that they meet the second condition with a new proposed total square footage of 1,859 square feet.

The Waukesha County Department of Parks and Land Use-Planning and Zoning Division staff did recommend approval of the original variance request subject to the two conditions stated above (among others). This recommendation was made based on the understanding that the existing square footage of the residence along with the proposed addition was 1,910 square feet. The condition of no expansion to the footprint was put in place to ensure conformance with the

offset requirement. The amended proposal appears to be substantially within the spirit and intent of the original approval.

ADJOURNMENT:

Mr. Robert Bartholomew *I make a motion to adjourn this meeting at 9:35 p.m.*

The motion was seconded by Mr. Ray Dwyer and carried unanimously.

Respectfully submitted,

Sheri Mount
Secretary, Board of Adjustment